

Laws, Executive Orders, Key Issues

♦ The Pollution Prevention Act (PPA)

Congress passed the PPA in 1990, calling pollution prevention a “national objective” and declaring, “source reduction is fundamentally different and more desirable than waste management and pollution control.”

♦ The Emergency Planning and Community Right-to-Know Act (EPCRA)

EPCRA was signed into law in 1992. It requires facilities to comply with local emergency response plans and provide information about listed toxic chemicals to the general public, upon request, through Local Emergency Planning Committees.

♦ The Federal Facilities Compliance Act (FFCA)

The FFCA was signed into law in 1992. It subjects all Federal Agencies to all substantive and procedural requirements of Federal, State, and local solid and hazardous waste laws in the same manner as any private party.

♦ The National Environmental Policy Act (NEPA)

Congress passed NEPA in 1969. This act requires that Federal Agencies consider the environmental consequences of all major Federal actions, including system acquisition. To comply with NEPA, the Navy endorses the Council on Environmental Quality's emphasis incorporating pollution prevention considerations into Agency planning and decision-making.

♦ EO 13101 – Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition

Signed on 14 September 1998, EO 13101 which supercedes EO 12873, requires the head of each Executive Agency to incorporate waste prevention and recycling into the Agency's daily operations, and work to increase and expand markets for recovered material. It also tasks a Federal Environmental Executive to develop a Government-wide Waste Prevention and Recycling Strategic Plan.

♦ EO 13148 – Greening the Government through leadership in Environmental Management

Signed on 12 April 2000, EO 13148 supersedes EO 12088 (section 1-4) and EO 12856. Requires funding policies to promote the use of P2 and emphasizes P2 to improve environmental compliance.

♦ EO 12114 – Environmental Effects Aboard of Major Federal Actions

Through the NEPA and Executive Order 12114 (re: overseas actions) programs, the Navy makes decisions supporting its national defense mission in a manner that is environmentally sound and procedurally correct. Environmental laws that are addressed in the NEPA process include: the Clean Air Act, Clean Water Act, Coastal Zone Management Act, National Historic Preservation Act, National Marine Sanctuaries Act, Marine Mammals Protection Act, and the Endangered Species Act.

For the largest return on investment, incorporate pollution prevention early in the acquisition process.

Management Considerations

Program Managers:

- Section E7.7 of DoD I 5000.2
- PESHE 42 U.S.C. 4321
- Program Initiation for Ships (MS B, C, Full-Rate Production DR)
- Prevent ESOH hazards where possible
- Acquisition Strategy shall incorporate a summary of the PESHE
- Assign a knowledgeable person to be the system ESOH manager
- Ensure P2 requirements are communicated to the PARMs

ESOH Managers:

- Provide a mechanism to increase the understanding and provide guidance for infusing pollution prevention in the contracting process to support fleet readiness within the afloat, ashore, and acquisition communities
- Consult with NAVSEA 04RE for Lessons Learned
- Review NAVSEA Pollution Prevention Desktop Guide
- Review NAVSEA Program Manager's Environmental Guide
- Include P2 requirements in the following contracting documents
 - Statement of Objectives (SOO)
 - Statement of Work (SOW)
 - Request for Proposals (RFP)
 - Performance Specifications

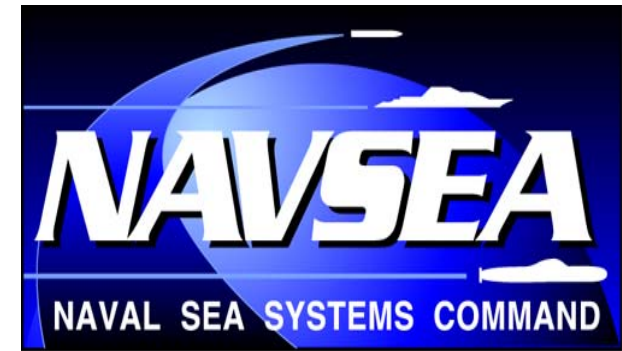
RFP/Contract Reviewers Check for:

- Requirement to identify/analyze P2 issues
- P2 clauses in Section H or I
- PM P2 requirements
- P2 evaluation requirements
- Consistency among specifications, RFP Sections L & M, SOO, SOW, Contract Data Requirements List (CDRL), and Data Item Descriptions (DIDs)

For More Information Contact NAVSEA
Pollution Prevention Working Group
Naval Sea Systems Command (NAVSEA 04RE)
Environmental Management and Policy
Division
1333 Isaac Hull Avenue SE STOP 1210
Washington, DC 20376
Commercial: (202) 781-3358

E-mail:

ACTION04RNSSC@NAVSEA.NAVY.MIL



Integrating Pollution Prevention Into Contracting



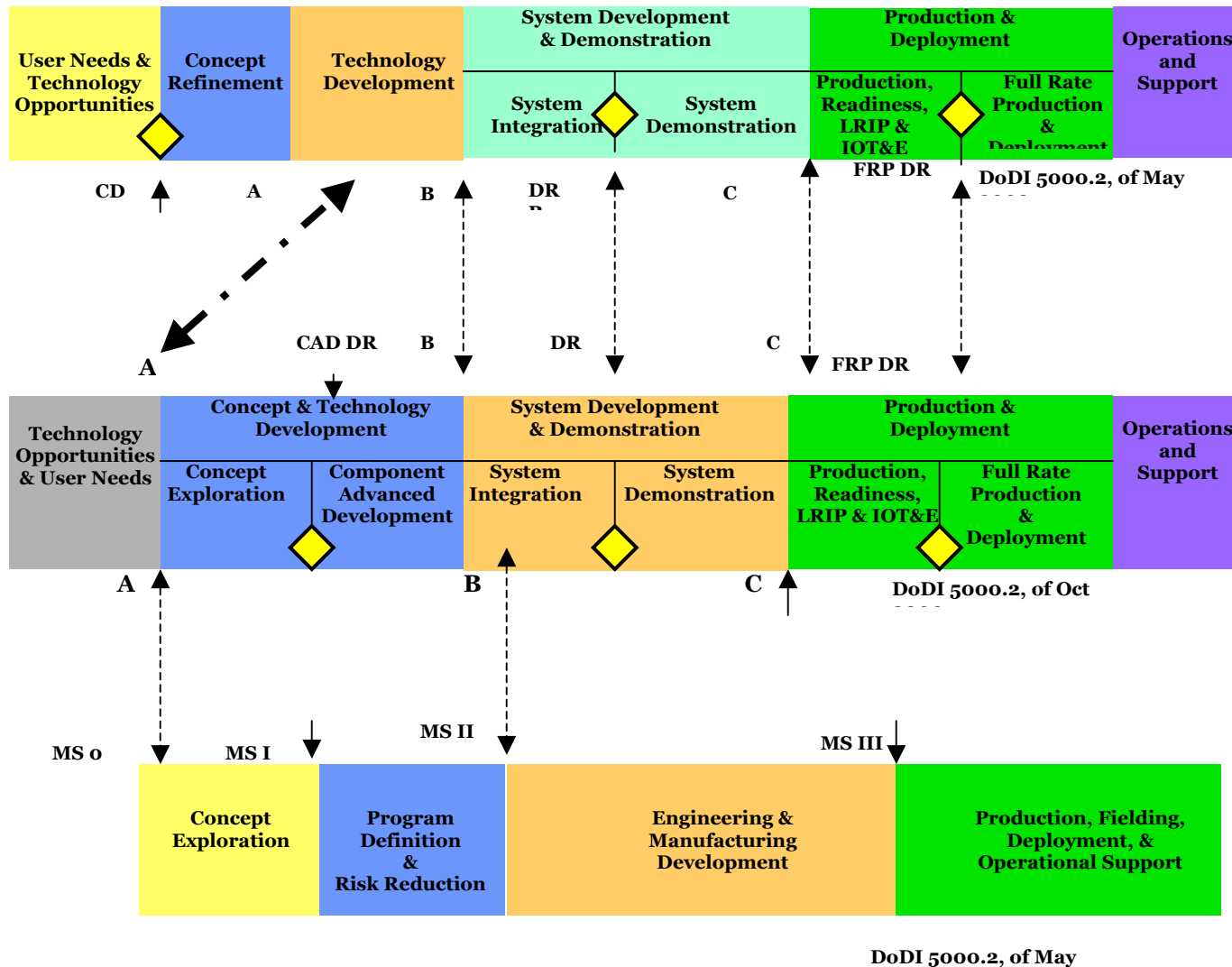
Creating an awareness within
the NAVSEA community on
how to properly incorporate
P2 contracting principles and
guidance

April 2004

ACRONYMS

CAD DR = Component Advanced Development Decision Review
CD = Concept Decision
DR = Design Readiness
DRR = Design Readiness Review

FRP DR = Full Rate Production Decision Review
IOT&E = Initial Operational Test and Evaluation
MS = Milestone
LRIP = Low-Rate Initial Production



DoD Directive 5000.1

In conjunction with DoD Instruction 5000.2, this provides management principles and mandatory policies and procedures for managing all acquisition programs.

DoD Instruction 5000.2

In DoD Instruction 5000.2, Section E7.7 states, the PM shall prevent ESOH hazards where possible, and shall manage ESOH hazards where they cannot be avoided.

PM shall document HM used in the system and plan for the system's demilitarization and disposal.

For acceptance of ESOH mishap risks identified by the program, the CAE is the acceptance authority for high risks PEO – level for serious risks, and the PM for medium and low risks as defined in the industry standard for system safety.

DoD Instruction 4715.4

DoD Instruction 4715.4, states, "It is DoD policy to reduce the use of HM, the generation or release of pollutants, and the adverse effects on human health and the environment caused by DoD activities."

It is also that it is DoD policy to accomplish these objectives by using a management approach that "emphasizes P2 and incorporates P2 at installations, and into all phases of acquisition, operations, maintenance, support and the ultimate disposal of weapons systems over the system life-cycle."

OPNAVINST 5090.1B

OPNAVINST 5090.1B, expresses the need for P2 by all Navy activities. "All Navy activities shall identify means and methods for the elimination or minimization of pollutants and, where possible, incorporate them at the earliest stages of planning, design, and procurement of facilities, ships, aircraft, weapons systems, equipment, and material. Commands shall strive to eliminate or minimize use of Hazardous Material and generation of Hazardous Waste.